



General Assembly

February Session, 2006

Raised Bill No. 5719

LCO No. 2478

02478_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING THE CERTIFICATE OF NEED PROCESS FOR
AMBULANCE AND MANAGEMENT SERVICE ORGANIZATIONS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subdivision (19) of section 19a-175 of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (19) "Management service" means an organization [which] that does
5 not have any emergency vehicles or branch offices and provides
6 emergency medical technicians or paramedics to any entity including
7 an ambulance service but does not include a commercial ambulance
8 service or a volunteer or municipal ambulance service.

9 Sec. 2. Section 19a-180 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective October 1, 2006*):

11 (a) No person shall operate any ambulance service, rescue service or
12 management service without either a license or a certificate issued by
13 the commissioner. No person shall operate a commercial ambulance
14 service or commercial rescue service or a management service without

15 a license issued by the commissioner. A certificate shall be issued to
16 any volunteer or municipal ambulance service which shows proof
17 satisfactory to the commissioner that it meets the minimum standards
18 of the commissioner in the areas of training, equipment and personnel.
19 Applicants for a license shall use the forms prescribed by the
20 commissioner and shall submit such application to the commissioner
21 accompanied by an annual fee of one hundred dollars. In considering
22 requests for approval of permits for new or expanded emergency
23 medical services in any region, the commissioner shall consult with the
24 Office of Emergency Medical Services and the emergency medical
25 services council of such region and shall hold a public hearing to
26 determine the necessity for such services. [Written] At least thirty days
27 prior to the hearing, written notice of [such] the hearing shall be given
28 to current providers in the [geographic] state, or in the event that the
29 request for new or expanded emergency medical services is limited to
30 a particular town or region, then to the providers in the particular
31 town or region where such new or expanded services would be
32 implemented, provided, any volunteer ambulance service [which] that
33 elects not to levy charges for services rendered under this chapter shall
34 be exempt from the provisions concerning requests for approval of
35 permits for new or expanded emergency medical services set forth in
36 this subsection. The commissioner shall grant party or intervenor
37 status, in accordance with the provisions of section 4-177a, to each
38 primary service area responder in a town or region that is the subject
39 of a request for new or expanded emergency medical services. In
40 determining the necessity for the new or expanded services in the
41 town or region, the commissioner shall take into consideration the
42 potential effect of such new or expanded services on existing primary
43 service area responders, including any financial impact that such new
44 or expanded services might have on the existing primary service area
45 responder's ability to provide emergency medical services in the town
46 or region. Each applicant for licensure shall furnish proof of financial
47 responsibility which the commissioner deems sufficient to satisfy any
48 claim. The commissioner may adopt regulations, in accordance with

49 the provisions of chapter 54, to establish satisfactory kinds of coverage
50 and limits of insurance for each applicant for either licensure or
51 certification. Until such regulations are adopted, the following shall be
52 the required limits for licensure: (1) For damages by reason of personal
53 injury to, or the death of, one person on account of any accident, at
54 least five hundred thousand dollars, and more than one person on
55 account of any accident, at least one million dollars, (2) for damage to
56 property at least fifty thousand dollars, and (3) for malpractice in the
57 care of one passenger at least two hundred fifty thousand dollars, and
58 for more than one passenger at least five hundred thousand dollars. In
59 lieu of the limits set forth in subdivisions (1) to (3), inclusive, of this
60 subsection, a single limit of liability shall be allowed as follows: (A) For
61 damages by reason of personal injury to, or death of, one or more
62 persons and damage to property, at least one million dollars; and (B)
63 for malpractice in the care of one or more passengers, at least five
64 hundred thousand dollars. A certificate of such proof shall be filed
65 with the commissioner. Upon determination by the commissioner that
66 an applicant is financially responsible, properly certified and otherwise
67 qualified to operate a commercial ambulance service, the
68 commissioner shall issue a license effective for one year to such
69 applicant. If the commissioner determines that an applicant for either a
70 certificate or license is not so qualified, the commissioner shall notify
71 such applicant of the denial of the application with a statement of the
72 reasons for such denial. Such applicant shall have thirty days to
73 request a hearing on the denial of the application.

74 (b) Any person or emergency medical service organization which
75 does not maintain standards or violates regulations adopted under any
76 section of this chapter applicable to such person or organization may
77 have such person's or organization's license or certification suspended
78 or revoked or may be subject to any other disciplinary action specified
79 in section 19a-17 after notice by certified mail to such person or
80 organization of the facts or conduct which warrant the intended action.
81 Such person or emergency medical service organization shall have an
82 opportunity to show compliance with all requirements for the

83 retention of such certificate or license. In the conduct of any
84 investigation by the commissioner of alleged violations of the
85 standards or regulations adopted under the provisions of this chapter,
86 the commissioner may issue subpoenas requiring the attendance of
87 witnesses and the production by any medical service organization or
88 person of reports, records, tapes or other documents which concern the
89 allegations under investigation. All records obtained by the
90 commissioner in connection with any such investigation shall not be
91 subject to the provisions of section 1-210, as amended, for a period of
92 six months from the date of the petition or other event initiating such
93 investigation, or until such time as the investigation is terminated
94 pursuant to a withdrawal or other informal disposition or until a
95 hearing is convened pursuant to chapter 54, whichever is earlier. A
96 complaint, as defined in subdivision (6) of section 19a-13, shall be
97 subject to the provisions of section 1-210, as amended, from the time
98 that it is served or mailed to the respondent. Records which are
99 otherwise public records shall not be deemed confidential merely
100 because they have been obtained in connection with an investigation
101 under this chapter.

102 (c) Any person or emergency medical service organization
103 aggrieved by an act or decision of the commissioner regarding
104 certification or licensure may appeal in the manner provided by
105 chapter 54.

106 (d) Any person guilty of any of the following acts shall be fined not
107 more than two hundred fifty dollars, or imprisoned not more than
108 three months, or be both fined and imprisoned: (1) In any application
109 to the commissioner or in any proceeding before or investigation made
110 by the commissioner, knowingly making any false statement or
111 representation, or, with knowledge of its falsity, filing or causing to be
112 filed any false statement or representation in a required application or
113 statement; (2) issuing, circulating or publishing or causing to be issued,
114 circulated or published any form of advertisement or circular for the
115 purpose of soliciting business which contains any statement that is

116 false or misleading, or otherwise likely to deceive a reader thereof,
117 with knowledge that it contains such false, misleading or deceptive
118 statement; (3) giving or offering to give anything of value to any
119 person for the purpose of promoting or securing ambulance or rescue
120 service business or obtaining favors relating thereto; (4) administering
121 or causing to be administered, while serving in the capacity of an
122 employee of any licensed ambulance or rescue service, any alcoholic
123 liquor to any patient in such employee's care, except under the
124 supervision and direction of a licensed physician; (5) in any respect
125 wilfully violating or failing to comply with any provision of this
126 chapter or wilfully violating, failing, omitting or neglecting to obey or
127 comply with any regulation, order, decision or license, or any part or
128 provisions thereof; (6) with one or more other persons, conspiring to
129 violate any license or order issued by the commissioner or any
130 provision of this chapter.

131 (e) No person shall place any advertisement or produce any printed
132 matter that holds that person out to be an ambulance service unless
133 such person is licensed or certified pursuant to this section. Any such
134 advertisement or printed matter shall include the license or certificate
135 number issued by the commissioner.

136 (f) Each licensed or certified ambulance service shall secure and
137 maintain medical control, as defined in section 19a-179 of the 2006
138 supplement to the general statutes, by a sponsor hospital, as defined in
139 said section 19a-179, for all its emergency medical personnel, whether
140 such personnel are employed by the ambulance service or a
141 management service.

142 (g) Each applicant whose request for new or expanded emergency
143 medical services is approved shall, not later than six months after the
144 date of such approval, acquire the necessary resources, equipment and
145 other material necessary to comply with the terms of the approval. If
146 the applicant fails to do so, the approval for new or expanded medical
147 services shall be void and the commissioner shall rescind his or her

148 approval.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	19a-175(19)
Sec. 2	<i>October 1, 2006</i>	19a-180

Statement of Purpose:

To make the certificate of need process for new or expanded emergency medical services clearer and more consistent.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]